



**DEPARTMENT OF VETERANS AFFAIRS**

**OFFICE OF RESOLUTION MANAGEMENT**  
11301 Wilshire Boulevard Building 220, 2nd Floor  
Los Angeles, CA 90073

In reply refer to: 08H

October 26, 2017

VIA: Regular Mail

Marilyn Gladle  
[REDACTED]  
[REDACTED]

**SUBJECT: Notice of Receipt of your Discrimination Complaint No. 200P-0691-2017103863, Filed October 3, 2017**

1. This letter acknowledges receipt of your discrimination complaint. The official filing date of your complaint is **October 3, 2017**, based on the date your E-mail was received. This notice also provides you with written notification of your rights, as well as the time requirements for exercising those rights.
2. If your claims are accepted, your case will be assigned to an impartial investigator under the supervision of the Office of Resolution Management (ORM). The investigator will contact you directly in order to obtain information or evidence you may wish to offer. The investigation must be completed within 180 calendar days of the filing of your complaint. You will be provided with a copy of the investigative file upon completion and you will be advised, in writing, of your right to request a Final Agency Decision (FAD) from the Office of Employment Discrimination Complaint Adjudication (OEDCA), or a hearing by an administrative judge appointed by the Equal Employment Opportunity Commission (EEOC).
3. If the investigation has not been completed within the 180 calendar-day time limit, regulations permit the agency and the complainant to agree, in writing, to extend the investigative period for not more than 90 calendar days. ORM will make every good faith effort to complete the investigation within the prescribed period. However, where workload demands make it impossible to complete a timely investigation, we will work with you to seek mutual agreement to extend the period so that the investigation can be completed before you seek an EEOC hearing or a final agency decision from OEDCA.
4. You must keep this office advised of any change of address. Failure to do so could lead to dismissal of your complaint. You must also immediately advise this office, in writing, of the name, address, and telephone number of any person you may choose to represent you in this matter. All subsequent actions on your complaint will be mailed or delivered to your representative, with copies to you, unless you advise us in writing that you are no longer represented by that individual.

Page 2

Notice of Receipt

5. The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints at the lowest possible level. Agencies and complainants can realize many advantages from using ADR. ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. Please see the Mediation Program Information Sheet enclosed. If you are interested in using mediation to address the issues raised in your complaint, please contact the ADR Director at [workplaceadr@va.gov](mailto:workplaceadr@va.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Sophia Eaves".

Sophia Eaves  
Pacific District Manager

Enclosures: Mediation Program Information Sheet  
Counselor's Report

## **MEDIATION PROGRAM INFORMATION SHEET**

### **What Is Mediation?**

Mediation is an informal way for employees to address disputes with a fellow employee, manager, or colleague. In mediation, a neutral person called a mediator helps two or more persons explore ways to resolve their differences and reach an agreement that best addresses their interests. Mediation allows the parties to create their own unique solutions, instead of taking the problem to an outside decision-maker and having that person's solution imposed on them.

Mediation does not focus on who is right and who is wrong. It focuses on forward thinking and solving the problem. The mediator has no authority to make decisions for the parties. The parties decide what is important to each of them and make decisions based on those factors. The mediator helps the parties communicate, make informed decisions by understanding and listening to each other, and work together to create options and acceptable solutions.

### **Why Should I Request Mediation?**

While conflict is a natural part of our daily lives, unresolved disputes may become unproductive and negatively impact the work environment. In these instances, mediation can save time and resources for all involved. Mediation can improve communication and prevent future misunderstandings. Mediation provides an opportunity to discuss sensitive issues and concerns in a private setting. Mediation helps the parties to look realistically at the best and worst case alternatives to resolving the dispute, and when possible, develop mutually satisfactory solutions. By agreeing to mediate, neither party gives up any rights to other processes that may be available to address the dispute. Parties can designate a representative to attend the mediation and provide support and advice during the process.

### **How Does Mediation Fit Into The EEO Process?**

An individual who has initiated the EEO complaint process may advise an Office of Resolution Management (ORM) EEO counselor of his/her interest in mediation as opposed to EEO counseling. The EEO counselor will inquire and find out if the Agency is willing to participate in mediation. If so, the pre-complaint process will be extended for no more than 90 calendar days from the individual's date of initial contact with the EEO counselor to allow the parties to mediate. If mediation does not resolve the matter, the EEO counselor will advise the individual of his/her right to file a formal EEO complaint.

After a formal EEO complaint has been filed, the complainant may request mediation at any time during the processing of his/her complaint. If the Agency

agrees to mediate, the processing of the EEO complaint will be held in abeyance for no more than 90 calendar days from the date of the request to mediate. If the complaint is not resolved in mediation, the EEO complaint process resumes at the point mediation was requested.

### **How Do I Begin The Mediation Process?**

The mediation process is initiated by contacting the ORM official assigned to the EEO complaint or ORM's ADR Program Office. If the request does not involve an issue of fraud, waste, abuse, criminal activity, sexual harassment, or removal for cause, the other party involved in the dispute will be contacted to see if (s)he is amenable to mediation. If the other party is willing to mediate, the ORM ADR Program Office or Facility ADR Coordinator obtains mediators from within VA or another Federal agency, depending on the parties' preference. In some instances, where a party is a member of the bargaining unit, the union may be notified of and invited to participate in the mediation session.

### **What Happens During The Mediation Session?**

Generally, the mediator begins with an introduction, explaining the process, each party's role, and establishing ground rules. Then, each party is afforded an opportunity to share information about the dispute. The mediator may continue with all parties in a joint session, exploring ways to address the issues raised or the mediator may meet separately with each party in private caucuses. Any information shared only with the mediator will be kept confidential unless permission is given to the mediator to disclose to the other party. If the parties can find common ground and agree to terms, those terms are documented in an agreement.

### **What If An Agreement Is Reached?**

A written agreement is drafted and signed by all necessary parties. Once the agreement is signed by all parties, the contract is binding and enforceable. The parties may agree not to disclose the terms of the agreement to those who do not have a need to know; however, the document itself is not confidential and may be disclosed to establish compliance.

### **What If An Agreement Is Not Reached?**

If mediation was elected during the EEO complaint process, the process resumes at the point mediation was requested.

### **What If I Have More Questions?**

If you would like additional information, please contact the ORM ADR Program Office at [workplaceadr@va.gov](mailto:workplaceadr@va.gov).



**DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF RESOLUTION MANAGEMENT  
PACIFIC DISTRICT  
COUNSELOR REPORT**



**CASE NUMBER: 200P-0691-2017103863  
COUNSELOR NAME: Winter, William**

Name of Aggrieved Party:				Ms. Marilyn Gladle			
Home and/or Alternate Address:							
Home Telephone Number:							
Cellular/Mobile Number							
Business Address:				11301 Wilshire Blvd., Los Angeles, CA 90073			
Business Telephone Number:				N/A			
Email Address:				N/A			
Position Title/Grade:				N/A			
Employee		Former Employee	X	Applicant			
VHA	X	VBA		NCA		Canteen	Other
Title 5		Title 38		Hybrid T38		Full-time	Part-time
Probationary		Career		Career Conditional		Temporary	Term
Name of Facility:				VAMC, WEST LOS ANGELES			
Address of Facility:				11301 Wilshire Blvd., Los Angeles, CA 90073			
Facility Telephone Number:				310-478-3711			
Name of Representative:				N/A		Attorney False	
Representative's Address:				N/A			
Representative's Telephone:				N/A			

**NOTIFICATION OF PROCEDURAL RIGHTS**

Initial Contact:	Telephone		Date:	06/30/2017
Initial Interview	Telephone		Date:	07/07/2017
Rights & Responsibilities/Notices:	Electronic Mail	06/30/2017	Rec'd:	06/30/2017
Notice to Unreachable Aggrieved:	UPS/Cert Mail:		Rec'd:	N/A
Agreed to Waive Anonymity:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Date:	07/07/2017
Notification to Facility Director	Electronic Mail		Date:	07/18/2017
ADR offered by facility [ ] MOU [ ]:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Date:	06/30/2017
Facility Returned Signed Refusal	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Date:	N/A
ADR Agreed to by Aggrieved:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Date:	07/07/2017
Settlement (SA) <input type="checkbox"/>	Withdrawal (WD) <input type="checkbox"/>		Date:	N/A
Notice of Closure (for SA/WD):	Regular Mail:		Rec'd:	N/A
Notice of Right to File:	Certified Mail	08/30/2017	Rec'd:	09/18/2017



Case Number: 200P-0691-2017103863  
 Name of Aggrieved Party: Ms. Marilyn Gladle  
 Name of Facility: VAMC, WEST LOS ANGELES  
 Date of Initial Contact: 06/30/2017

**RMO/WITNESS INFORMATION**

Responding Management Official(s): (Name, Title, Telephone Number)	Wandee Khaossarch, Nurse Manager 213-253-2677 x24304
Witness(es) Suggested for Interview by Aggrieved Party (Name, Title, Tele #):	None
Witness(es) Suggested for Interview by RMO (Name, Title, Telephone Number):	None

<b>Claim - 1: Termination Incident Date: 05/11/2017 Bases: Disability - Physical, Reprisal</b>						
	Yes (date)	No		Yes (date)	No	If claim is untimely, explain reason for the untimeliness in description of claim below.*
Mixed Case		X	MSPB Filed		X	
Union Grievance Filed		X	Is Claim Timely		X	
Administrative Grievance Filed					X	
Have you contacted another EEO Official?				Not Reported		Jamisa Hoare, Acting EEO Manager

**Brief Description of Claim:**

Ms. Gladle, the Aggrieved Party (AP) claimed that she was discriminated against based on her disability and prior EEO activity.

May 11, 2017 – AP's termination notice was sustained.

**Counselor's Note:** Ms. Gladle was asked for an explanation for the delay in contacting an EEO Counselor within 45 calendar days of the date of the matter or action believed to be discriminatory. She did not provide an explanation for the delay by the date counseling concluded.

**Resolution Sought:**

AP wants her separation lifted and be allowed to return to duty.

**Management's Response:**

Management not contacted due to requested ADR.

**Informal Documents Requested/Received:**

May 11, 2017 letter from VISN22 Director, Marie Weldon, sustaining AP's termination.

<b>Claim - 2: Harassment (Non-Sexual) Incident Date: 05/12/2017, 05/02/2017</b>						
<b>Bases: Disability - Physical, Reprisal</b>						
	Yes (date)	No		Yes (date)	No	If claim is untimely, explain reason for the untimeliness in description of claim below.*
Mixed Case		X	MSPB Filed		X	
Union Grievance Filed		X	Is Claim Timely		X	
Administrative Grievance Filed					X	

Case Number: 200P-0691-2017103863  
 Name of Aggrieved Party: Ms. Marilyn Gladle  
 Name of Facility: VAMC, WEST LOS ANGELES  
 Date of Initial Contact: 06/30/2017

Have you contacted another EEO Official?	Not Reported	Jamisa Hoare, Acting EEO Manager
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**Brief Description of Claim:**

AP claimed that she was subjected to discriminatory harassment/hostile work environment when she received conflicting notices in the mail at her home from the facility when on:

May 12, 2017 – she (AP) received a return to duty notice dated May 10, 2017.

May 2, 2017 – she (AP) received a Termination notice dated April 28, 2017.

**Resolution Sought:**

AP wants her separation lifted and be allowed to return to duty.

**Management's Response:**

Management not contacted due to requested ADR.

**Informal Documents Requested/Received:**

- April 28, 2017, letter from Medical Center Director Ann Brown – Termination of Excepted Appointment for Failure to Maintain Current Nursing License.
- May 10, 2017, letter from Alex Love, Acting Employee and Labor Relations Supervisor – Return to Duty.

**SUMMARY OF RESOLUTION EFFORTS**

July 7, 2017, AP elected ADR.

August 25, 2017, ADR Tracker recorded the mediation meeting not resolved.

August 30, 2017, conducted the formal final interview; issue NORF.

**FINAL INTERVIEW**

During the final interview the results of informal counseling and resolution efforts were discussed with the aggrieved party. The aggrieved was informed that the claim(s) listed above were the only claim(s) addressed during the informal EEO counseling. If a formal Complaint of Discrimination is filed, a claim that has not been brought to the attention of an EEO counselor and is not like or related to a claim that has been brought to the attention of an EEO counselor is subject to dismissal in accordance to CFR 1614.107 a(2).

The Notice of Right to File a Discrimination Complaint and VA Form 4939 were sent by UPS on August 30, 2017.



William Winter  
 EEO Counselor

10/06/2017  
 Date



**DEPARTMENT OF VETERANS AFFAIRS**  
**OFFICE OF RESOLUTION MANAGEMENT**  
11301 Wilshire Boulevard Building 220, 2nd Floor  
Los Angeles, CA 90073

October 26, 2017

VIA: Electronic Mail

In reply refer to: 08H

Ann Brown, Director  
Department of Veterans Affairs  
Greater Los Angeles Health Care System  
11301 Wilshire Blvd.  
Los Angeles, CA 90073

**SUBJECT: Notice of Receipt of Discrimination Complaint – Marilyn Gladle, Case No. 200P-0691-2017103863, Filed October 3, 2017**

1. This is to inform you that Marilyn Gladle filed an EEO complaint of discrimination on October 3, 2017.
2. ORM is reviewing the complaint to determine if it meets the Equal Employment Opportunity Commission's (EEOC) requirements for investigation and further processing. You will be provided a copy of the procedural determination letter.
3. We have enclosed a document outlining what you can expect next as the complaint is processed.

Sincerely,

A handwritten signature in black ink, appearing to read "Sophia Eaves", is located below the "Sincerely," text.

Sophia Eaves  
Pacific District Manager

Enclosures: What to Expect During the Complaint Process  
Counselor's Report

cc. VHAGLAEE@VA.GOV





## Office of Resolution Management

*Department of Veterans Affairs*

### **WHAT TO EXPECT DURING THE COMPLAINT PROCESS**

#### **WHY DID I RECEIVE THIS NOTICE?**

You received the *Notice of Receipt* because an employee, applicant, or former employee under your chain has filed a formal complaint of discrimination.

#### **WHAT HAPPENS NEXT?**

If ORM dismisses the complaint, the complainant can appeal the decision to the EEOC. If ORM accepts the complaint, in whole or in part, we will assign an investigator.

#### **WHAT CAN MANAGEMENT EXPECT AT THE INVESTIGATIVE PHASE?**

The investigator will develop impartial and appropriate factual information on the claims accepted for processing. ORM must complete the investigation within **180 days** of the date the formal complaint was filed (for mixed case claims<sup>1</sup> ORM must complete the investigation within 120 days), so we need the cooperation of all witnesses, including management officials.

After the investigation is completed, ORM will send you a summary of the investigation. You should review the summary and determine if resolution should be attempted. ORM is available to consult or provide a mediator at this stage.

#### **WHAT OCCURS AFTER THE INVESTIGATION?**

The employee can elect an EEOC hearing or a final agency decision from OEDCA (the complainant does not have the right to an EEOC hearing on mixed case claims). If a hearing is elected, your management officials will work with the agency representative (usually a Chief Counsel attorney) to prepare for the hearing.

#### **WHEN DOES THE PROCESS END?**

The employee can also file in U.S. District Court after 180 days have elapsed from the formal filing date or after the case has been adjudicated (120 days for mixed case claims). If that occurs Regional Counsel works with a U.S. Attorney from the Department of Justice.

**For more information on the EEO complaint process and ORM, please visit ORM's website: <http://www.va.gov/orm/>**

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<sup>1</sup> A mixed case complaint alleges an action that is appealable to the MSPB was taken for discriminatory reasons.



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William Winter  
 EEO Counselor

10/06/2017  
 Date



**From:** Stenhouse, Whitney (ORM)  
**Sent:** Thursday, October 26, 2017 4:18 PM  
**To:** Brown, Ann R.  
**Cc:** vhaglaeeo@va.gov  
**Subject:** Official Correspondence  
**Attachments:** NOR Gladle 103863 Fac.pdf

Dear Ma'am,

Please find attached EEO correspondence concerning your facility.

If you have questions, please contact the point of contact referenced in the attached correspondence.

Respectfully,

*Whitney Stenhouse  
EEO Assistant  
Department of Veterans Affairs  
Office of Resolution Management  
Pacific District  
Office: (310) 478-3711 ext.48054  
Fax: (310) 268-4089*



**VA Core Values:** Integrity Commitment Advocacy Respect Excellence  
**VA Core Characteristics:** Trustworthy | Accessible | Quality | Innovative | Agile | Integrated

*"Thank you for contacting the Office of Resolution Management. Our goal is to provide you with exceptional customer service. Please take a moment to complete a very brief survey to let us know how my service was today"*

[Click Here](#)

**NOTE:** *If you are not the intended recipient, any dissemination or duplication of this e-mail is prohibited by law. If you received this e-mail in error, please permanently delete it and contact the sender by e-mail.*

**EXHIBIT 2-13**